

JAP:TJS

M-11-445

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

FRANKLIN GILLESPIE,

Defendants.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(T. 18, U.S.C.
§§ 922(g)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

DAVID JOEL, being duly sworn, deposes and says that he is a Detective with the New York City Police Department, duly appointed according to law and acting as such.

Upon information and belief, on or about April 23, 2011, within the Eastern District of New York, the defendant FRANKLIN GILLESPIE, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a 9mm Hi-Point semi-automatic pistol.

(Title 18, United States Code, Section 922(g)(1)).

The source of your deponent's information and the grounds for his belief are as follows¹:

¹/Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest the defendant as described in greater detail below, I have not set forth every fact learned during the course of this investigation.

1. I have been a Detective with the New York Police Department ("NYPD") for approximately ten years. My information in this case comes from reviews of records of the New York City Police Department ("NYPD"), conversations with NYPD officers, and other official records of government agencies.

2. On or about April 23, 2011, at approximately 6:40 p.m., New York City Police Department ("NYPD") Officer Dany Fana of the 77th Precinct was on routine patrol in an unmarked vehicle with Sergeant Robert Maloney in the vicinity of Troy Avenue and Pacific Street in Brooklyn, New York. At approximately that time, Officer Fana observed FRANKLIN GILLESPIE standing in the doorway of a public housing complex building located at 87 Troy Avenue racking the slide of a black semi-automatic pistol. Another individual was standing next to him and appeared to be looking at the gun as well. Officer Fana indicated to Sergeant Maloney that he saw a gun and stopped the car in front of 87 Troy Avenue. Sergeant Maloney looked at the doorway of 87 Troy Avenue and also saw the defendant holding a firearm. Both officers got out of the car and proceeded towards 87 Troy Avenue.

3. When the officers stopped the car, FRANKLIN GILLESPIE and the other individual ran into 87 Troy Avenue. Sergeant Maloney chased them up the stairs of the building. At approximately the second or third floor, Sergeant Maloney saw the

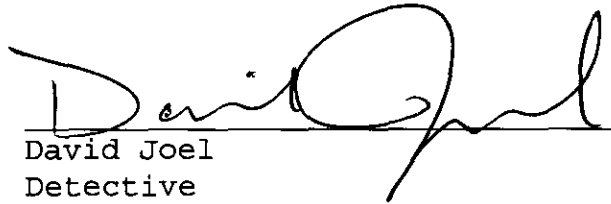
defendant throw an object out a window on the front of the building.

4. Sergeant Maloney apprehended FRANKLIN GILLESPIE and the other individual on the top floor of the building. They were placed under arrest. Sergeant Maloney and Officer Fana then brought the defendant and other individual down to the street. Officer Fana then recovered a black 9mm Hi-Point semiautomatic pistol in several pieces from the street in front of 87 Troy Avenue.

5. The defendant is currently being held in state custody. I have reviewed criminal history records for the defendant, which reveal that the defendant has been convicted of at least the following crimes: on May 28, 2009, the defendant was convicted in Kings County Supreme Court of Attempted Robbery in the Second Degree, a Class D felony; also on May 28, 2009, the defendant was convicted under a separate indictment in Kings County Supreme Court of Attempted Robbery in the Second Degree, a Class D felony. He was sentenced to three years.

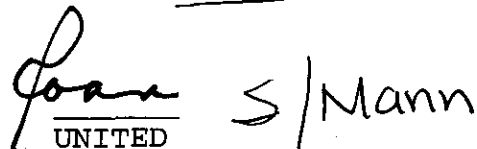
6. I have~~n~~ spoken with an ATF interstate nexus expert, who informs me that the above-mentioned 9mm Hi-Point semiautomatic pistol was manufactured outside the State of New York.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant FRANKLIN GILLESPIE, so that he may be dealt with according to law.



David Joel
Detective
New York Police Department

Sworn to before me this
27th day of April, 2011


UNITED
EASTERN

JUDGE
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